

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Kirby Hollingsworth, et al.

)
) MUR 6113
)

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session on September 01, 2009, do hereby certify that the Commission failed by a vote of 3-3 to take the following actions in the above captioned matter:

1. Find reason to believe that Kirby Hollingsworth violated 2 U.S.C. § 441i(f).
2. Find no reason to believe that Kirby Hollingsworth for State Representative violated 2 U.S.C. §§ 433 or 434 by failing to register and report as a political committee.
3. Find reason to believe that Kirby Hollingsworth for State Representative failed to report independent expenditures in violation of 2 U.S.C. §§ 434(c) and 434(g).
4. Find reason to believe that Kirby Hollingsworth for State Representative violated 2 U.S.C. §441d by failing to include proper disclaimers on its mailer and its radio advertisement.

6. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated July 2, 2009.

7. Approve the appropriate letters.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the decision.

Commissioners Hunter, McGahn II, and Petersen dissented.

Attest:

September 1, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission